IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 12971 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge?

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SANWARIYA PROCESSORS PVT LTD - Petitioner(s)
Versus
SURAT MUNICIPAL CORPN & 1 - Respondent(s)

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Appearance :
MR AJ SHASTRI for Petitioner(s) : 1,
None for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 11/05/2007

ORAL JUDGMENT

1. Rule. Mr. Asthavadi, learned Advocate appearing on behalf of Shri Prashant Desai, learned Advocate, who normally appears on behalf of the Surat

Municipal Corporation, is directed to accept notice of rule on behalf of Surat Municipal Corporation as present Special Civil Application is to be disposed of on issuance of certain directions. With the consent of the learned Advocate appearing on behalf of the respective parties, matter is taken up for final hearing today.

2. The main grievance which has been raised in the present Special Civil Application is that though the application has been submitted by the petitioner for granting them permission to erect bore-well and that the same has been initially made on 09.10.2006 and 14.03.2007, no decision has been taken by the respondent in the said application and because of that every day the petitioner is suffering.

3. In the facts and circumstances of the case, when the application is made by the petitioner at least the Corporation is required to consider the same and take appropriate decision and inform the petitioner accordingly. Under the circumstances, the respondents are directed to consider the application submitted by the petitioner and take decision as early as possible within a period of 6 (six) weeks

from the date of receipt of this order and inform the petitioner accordingly. However it is made clear that this Court has not expressed any opinion on merits of the case and ultimately it is for the appropriate authority to consider the application and take appropriate decision in accordance with law and on merits. It will be always open for the petitioner to move detailed representation within a period of 1(one) week from today and on receipt of the same, the same shall be considered by the respondents within a period of 6(six) weeks from today. Rule is made absolute.

Direct service is permitted.

[M.R.Shah, J.]

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